

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
FORT WORTH DIVISION

UNITED STATES OF AMERICA,) **Case No. 4:24-mj-00656-BP**
)
Plaintiff,)
) Fort Worth, Texas
v.) April 1, 2025
) 9:00 a.m.
HUZEFA HAFIZ ISMAIL,)
) EXTRADITION HEARING
Defendant.)
_____)

TRANSCRIPT OF PROCEEDINGS
BEFORE THE HONORABLE HAL R. RAY, JR.,
UNITED STATES MAGISTRATE JUDGE.

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1 FORT WORTH, TEXAS - APRIL 1, 2025 - 9:00 A.M.

2 THE CLERK: All rise.

3 THE COURT: Good morning. Thank you. Please be
4 seated.

5 The Court calls Cause No. 4:24-mj-656-BP-1 in the matter
6 of the extradition request regarding Huzefa Hafiz Ismail. Mr.
7 Ismail is here this morning with his attorney, Mr. Richard
8 Roper and Mr. Javan Porter. Are you ready to proceed, Mr.
9 Roper?

10 MR. ROPER: Yes, Your Honor.

11 THE COURT: Present on behalf of the United States is
12 Assistant United States Attorney Matthew Weybrecht. Mr.
13 Weybrecht, are you ready to proceed?

14 MR. WEYBRECHT: Yes, Your Honor.

15 THE COURT: Mr. Weybrecht, you may do so.

16 MR. WEYBRECHT: Thank you, Your Honor. The United
17 States Code -- 18 United States Code 3184 lays out
18 requirements for extradition. There are five: the Court is
19 authorized to conduct extradition proceedings; the Court has
20 jurisdiction over the Fugitive; the treaty is in full force
21 and effect; the offenses for which the Fugitive's extradition
22 is sought are covered by the treaty; and there is probable
23 cause to believe that the Fugitive committed the charged
24 offense.

25 The Government has supplied briefing on all of these, and

1 it appears that the Fugitive contests only the probable cause
2 determination. And so, unless the Court wishes to hear
3 additional arguments, I think it probably makes sense to skip
4 ahead to the probable cause and talk through that piece.

5 So, extradition, at a high level, --

6 THE COURT: Wait just a second.

7 MR. WEYBRECHT: Yes, Your Honor.

8 THE COURT: Let's clear that matter up. Mr. Roper,
9 are we talking about anything today --

10 MR. ROPER: I'm --

11 THE COURT: -- here other than probable cause?

12 MR. ROPER: I'm not conceding any elements. But I
13 think we're only going to argue those.

14 I notice from the pleadings filed by the Government, if
15 you look at the packet, the extradition packet that the
16 Government submitted, they have a bunch of offenses, the
17 French asked for a bunch of offenses. I don't know, like 20
18 offenses. Like, 20, 30, I mean, there's just an outrageous
19 number of offenses.

20 Now, they're only asking for extradition on the conspiracy
21 and the money laundering charge. Okay? But, you know, I --
22 the packet is 135-something pages, and I don't think I'm in a
23 position to concede anything.

24 THE COURT: Okay.

25 MR. ROPER: I'm not going to argue --

1 THE COURT: Well, that's fine.

2 MR. ROPER: -- anything about that.

3 THE COURT: That's fine. All right.

4 MR. WEYBRECHT: All right.

5 THE COURT: Well, then so you're going to have to go
6 through each of those five elements, Mr. Weybrecht, --

7 MR. WEYBRECHT: Yes, sir.

8 THE COURT: -- just for the record.

9 MR. WEYBRECHT: So, before we get started on that,
10 I'll just answer very briefly. I mean, the fact that the
11 Government hasn't chosen to go forward on all of the crimes
12 that France has charged, I don't see how that's particularly
13 relevant to whether the crimes charged that the Government is
14 intending to go forward on are covered by the treaty. And so
15 we'll start with that premise.

16 So, again, at a high level, an extradition proceeding is
17 not a court proceeding. So the Government is not required to
18 offer live testimony. We are entitled to rely on the
19 submissions from the Government of France.

20 In addition, the ability for the Defendant to contest or
21 to provide evidence is extremely limited. And so, to that
22 end, you know, we would again point the Court to our initial
23 brief in this case.

24 The first requirement is that the Court is authorized to
25 conduct extradition proceedings. I think that one is well-

1 established, that any justice or judge of the United States or
2 any magistrate judge authorized to do so by a court, or any
3 judge of a court of record or general jurisdiction of any
4 state. This Court clearly is a magistrate court of the United
5 States and is authorized under this district to conduct
6 extradition proceedings.

7 Second, the Court has jurisdiction. Mr. Ismail was
8 arrested here in the Northern District of Texas, at DFW
9 Airport, and therefore the Court has jurisdiction over him.
10 He's currently -- he's present here today in the Northern
11 District as well.

12 Third, the treaty is in full force and effect. So, again,
13 the submissions by the Government, the certification by the
14 State Department that's provided in the extradition packet,
15 would establish that the treaty between the United States and
16 the Government of France, along with the treaty with the EU
17 that amends in certain ways that treaty between the United
18 States and France, is in full force and effect, and we would
19 rely on the State Department's certification as to that.

20 The fourth is that the offenses for which the Fugitive's
21 extradition is sought are covered by the treaty. Again, the
22 State Department and the Government's submissions in the
23 extradition packet cover this. Money laundering, serious
24 money laundering, and criminal conspiracy are the three
25 charges that France submitted that the United States

1 Government has agreed to move forward on in terms of
2 extradition. And the Government would point again to its
3 filings as to each one of those particular offenses related to
4 the Defendant's charged crimes in France.

5 So, for instance, the State Department declaration
6 provides that the offenses related to money laundering and
7 criminal conspiracy for which extradition is sought are
8 covered under Article II of the treaty.

9 Second, that the French money laundering and criminal
10 conspiracy offenses are punishable in France by terms of
11 imprisonment exceeding one year.

12 And third, that the conduct underlying France's charge
13 would be sufficiently punishable had it been committed in the
14 United States. So, again, money laundering under 18 United
15 States Code § 1956; money laundering or use of proceeds of
16 specified unlawful activity under 18 United States Code §
17 1957; and then criminal conspiracy under 18 United States Code
18 § 371 would all be the equivalent.

19 And then, finally, that the extradition request is within
20 the statute of limitations in France on the charged crimes.

21 So, again, based on the State Department's certification
22 and the Government of France's submission, all four of those
23 requirements are satisfied.

24 So, with that said, moving on to the question of probable
25 cause, the Government here would rely largely on the

1 submissions of the packet that was submitted by France.
2 Again, the Government has not and is not offering any
3 additional evidence today. We don't have any witnesses. We
4 don't have any additional documents. We're relying entirely
5 on the evidence previously submitted by the Government of
6 France.

7 So, as to the existence of the fact that this user of
8 3DOR3D, CEO-DARKNET was engaged in money laundering related to
9 drug proceeds, related to ransomware and other cyberattacks,
10 is well-established and supported by the records submitted by
11 the Government of France.

12 Again, I know Mr. Roper isn't conceding anything.
13 However, in his reply, he doesn't seem to be contesting the
14 fact that those crimes occurred or the evidence supporting the
15 occurrence of those crimes, but rather contesting the
16 attribution of Mr. Ismail as 3DOR3D moniker or the CEO-DARKNET
17 or DARKBANK moniker.

18 And so the Government will focus on the specific
19 attribution in order to answer and respond to the Fugitive's
20 submission, which, of course, you know, the Government would
21 note was filed Sunday night, prior to this. And so, you know,
22 while the Government would have liked to have had more time
23 with this, we did find it slightly amusing that Mr. Roper
24 pointed to the fact that France submitted its filing towards
25 the end of the deadline as evidence that was somehow weak in a

1 filing that he filed Sunday night before an extradition
2 proceeding.

3 So, all that to say, again, we'll start with the premise
4 of extradition. This is very important because it goes to the
5 fact that a fugitive facing extradition does not have the
6 right to challenge credibility of the witnesses of the foreign
7 government. And so the premise at a high level is that the
8 Executive, with the advice and consent of the Senate, before
9 entering in a treaty, has the sole discretion to determine
10 that the courts of the foreign country with which it's
11 entering into its treaty is protective of the accused's rights
12 and provides sufficient due process. That determination has
13 been made by entering into the treaty here with the Government
14 of France.

15 And so the Court's role here is limited, and the case law
16 that's cited in the Government's brief is supportive of the
17 fact that the Court here is not really exercising judicial
18 power at all, because the judicial power is being exercised by
19 the foreign government. The foreign government has found that
20 there is probable cause that a crime has been committed and
21 that Mr. Ismail is the person who committed that crime. And
22 so with that finding of the foreign court, this Court's role
23 is really a statutory role of an independent set of eyes to
24 review and ensure that probable cause exists.

25 So, again, there will be a trial. If the Court finds that

1 there's probable cause, there will be a trial in the foreign
2 country that affords adequate due process, as determined by
3 the Executive, and that decision is entitled to deference in
4 the same way that a country that sends their individuals to
5 the United States pursuant to an extradition treaty, the
6 courts in that country are not entitled to question the
7 Court's determinations and the Court's due process here.

8 So, at this hearing, Your Honor, the Court's role is to
9 consider the evidence presented on behalf of the requesting
10 country and determine whether the legal requirements for
11 certification are met. Again, the Fugitive's guilt or
12 innocence is not determined today. It's, rather, determined
13 by the foreign court through -- and I'll quote here from a
14 Supreme Court case -- a trial according to the modes
15 established in the country where the crime was committed.
16 Again, Executive's determination that the foreign court's
17 modes established are sufficient and protective of due process
18 is given great weight.

19 Facts in this case. The Government of France's submission
20 establishes probable cause to believe that Ismail committed
21 the crimes alleged in the extradition packet. So, again, the
22 Government would focus on specifically the attribution piece
23 in this hearing. Again, the Fugitive's right to introduce
24 evidence is limited to testimony which explains rather than
25 contradicts the demanding country's proof. And that includes

1 the credibility of witnesses.

2 So a lot of the evidence in the packet refers to police
3 cooperation. And Mr. Ismail contests that. He's trying to
4 contest the credibility. He's saying, well, there's no
5 evidence of the bias of that, of who that is, what the
6 cooperators' interests are in this. That's not for this Court
7 to decide and that's not before the Court. It's not a
8 consideration that this Court can consider.

9 And I would just point out, this is quite common in the
10 probable cause setting in the United States alone. When an
11 agent comes and applies for a search warrant, they regularly
12 say an agent whom -- or, a cooperator whom the agent has
13 deemed to be credible or whom the FBI has deemed to be
14 credible. That credibility determination is the same thing
15 that's happening here in that the foreign government is saying
16 this police cooperation is credible, and the Defendant is not
17 entitled -- the Fugitive here is not entitled to contest that.

18 And there's good reason for that, because the foreign
19 government doesn't want to make that source available or out
20 that source before trial, in the same way that the Government
21 here doesn't want to out cooperators or sources before it
22 absolutely must.

23 So let's talk specifically about the facts in this case.
24 So, there are several connections between 3DOR3D and Mr.
25 Ismail, and we'll just walk through each one. So, Ismail's

1 child, the birthdate of his child. Ismail's girlfriend.
2 Ismail's car. Ismail's travel. And so we'll focus on those.

3 So, first, Ismail's baby. The text messages in 3DOR3D
4 establish that the person who's communicating using that
5 moniker says, I'm in the hospital with my wife, on January 11,
6 2021. The next day he says, Sorry, bro. Something to the
7 effect of, Sorry, bro, I was having a baby. Or, just had a
8 little one, something to that effect, and establishing that
9 the person who was 3DOR3D had a baby that was born on or
10 around January 11, 2021.

11 Looking then at the travel records that the Government of
12 France submitted, Mr. Ismail has a baby that was born on that
13 exact same day, January 11, 2021. Odds of a baby being born
14 on the same day, again, I'm not a statistical guru, but 365
15 days a year, one out of 365 is roughly .3 percent, less than
16 .3 percent. Extremely unlikely that that person would have a
17 baby who happened to be born on the same day. And that's not
18 even taking into account the year, that it would be the same
19 day on the same year, which, again, is extremely unlikely.

20 So, again, just probable cause on that alone is way above
21 the standard for probable cause.

22 Second, the person who's using 3DOR3D, the cooperator
23 stated that that person has a particular car, a Mercedes G 63.
24 Again, that cooperator's credibility, the credibility of that
25 has to be taken as true. The fact that that happened has to

1 be deemed correct by this Court.

2 And then there's pictures, again, from -- I'm sorry.

3 Excuse me. Let me back up. The cooperator said that Mr.

4 Ismail had the Mercedes. And then there are pictures from

5 3DOR3D, CEO-DARKBANK, that moniker, that show that car. What

6 is very distinct about the car is the person who's using

7 3DOR3D is driving that car at the time. It's actually taken

8 from the front seat, looking out the window, and then taken

9 looking at a phone down into the interior.

10 And, again, pictures of these comparisons are in the

11 extradition packet for the Court's review.

12 Again, the idea of the Russian girlfriend or Russian wife,

13 a brick is not a wall, it's not in and of itself necessarily

14 conclusive. But the cooperation, the police cooperators'

15 evidence or police cooperators' statement is not entitled to

16 be questioned in terms of the credibility. And so that is

17 another piece of evidence that stacks onto this.

18 And then, finally, the travel from Dubai to Turkey. Now,

19 I know my colleague here, Mr. Roper, is going to talk about

20 all the different flights from Turkey to Dubai and how it

21 could have been a different flight or a different city or this

22 or that. I think that kind of sails over the point here. The

23 point is that 3DOR3D traveled from Dubai to Turkey at the same

24 time frame as the records show that Mr. Ismail traveled from

25 there.

1 And so while it's possible that two separate people, that
2 3DOR3D could have been on the exact same flights, could have
3 been on the flight from Turkey to -- or, from Ankara, Turkey
4 to Dubai, instead of from Istanbul to Dubai, those are
5 possible. But I guess I would flip it around and say, given
6 all of the flights in the world and all of the people in the
7 world who do not go on flights, the odds of those two people
8 being on those same flights in that same time frame, even if
9 they're not the same flights, are extremely small.

10 So, again, Your Honor, this is circumstantial. The
11 evidence here is circumstantial. But taken as a whole, this
12 would more than satisfy the standards for probable cause. And
13 so, for that reason, we believe that all of the elements of
14 extradition have been met and the Court should certify
15 extradition in this case.

16 THE COURT: Let me ask you, Mr. Weybrecht. Does the
17 Government offer any evidence, just for the record, for
18 purposes of this hearing? Am I supposed to take judicial
19 notice of the extradition packet, or evidentiary-wise, do you
20 offer that packet and then the supplement, the supplemental
21 filing?

22 MR. WEYBRECHT: Yes, Your Honor. I mean, we can --
23 again, I -- formally, I'm not sure if we need to officially
24 offer it. We filed it on the record. But if not, the
25 Government would offer into evidence the filing, both the

1 supplemental filing and the full extradition packet that the
2 Government filed on the record in this case.

3 THE COURT: And that would be, in this matter, it
4 would be ECF 27-1 for the extradition packet itself, and then
5 ECF No. 33, or 33 dash -- I guess 33 is the Government's
6 notice of supplementary filing, and then 33-1 is the amending
7 instrument. Is that right?

8 MR. WEYBRECHT: I think those are right, Your Honor.
9 I don't have it in front of me right now. Can I check while
10 my colleague goes and then --

11 THE COURT: Yes.

12 MR. WEYBRECHT: -- and then answer?

13 THE COURT: We can take that up after a while.

14 MR. WEYBRECHT: Okay.

15 THE COURT: Okay. Mr. Roper?

16 MR. ROPER: Good morning, Your Honor.

17 THE COURT: Good morning.

18 MR. ROPER: So, I want to take issue with what the
19 prosecutor said, that we can't contest the credibility. I
20 cite cases, and there's a case from San Antonio, a magistrate
21 judge decision that's -- I would ask you to look at. And it
22 says you can explain probable cause.

23 THE COURT: Mr. Roper, would you push that microphone
24 over in front of you?

25 MR. ROPER: Oh.

1 THE COURT: Just so that we have you on the record.
2 Go ahead.

3 MR. ROPER: So, the -- I take issue with it. I don't
4 think the cases support that. Probable cause deter... we have
5 a right to offer evidence. We're going to -- we did in our
6 packet, and we have a couple of exhibits we want to offer. We
7 have all right to explain probable cause. Now, we can't say
8 -- for instance, if this were a murder case, we can't get up
9 there and say our client has a self-defense claim. But we can
10 clear explain the probable cause. And explaining probable
11 cause goes to the whole heart, is there probable cause? And
12 there's a reliability determination to be made by the Court.
13 And that involves like something you do every day of the week
14 when you look at search warrants. You know, was the police in
15 a position to see what -- you know, say it's an informant.
16 Was the informant credible? Did he -- was he -- did he have
17 some kind of reliability to make that decision? Was he in a
18 position to see, see where the drugs were?

19 Those are the -- probable cause determinations always
20 involve some kind of credibility and reliability standard, and
21 the whole thing is you want to make sure you have it right.
22 Looking up these pictures, I started as an AUSA before Judge
23 Tolle, Judge Sanderson, Judge McGlinchey, Judge Bleil, Judge
24 Boyle, Judge Ramirez, Judge Toliver. Those are the folks I
25 presented warrants to my whole career as a federal prosecutor.

1 And I can tell you, they had high standards, just like I'm
2 sure you and Judge Cureton have. And those high standards for
3 probable cause exist for a reason, because you want to ensure
4 it's reliable.

5 I'll tell you the standard, much as I lost hair preparing
6 for Judge McGlinchey, he made me a better lawyer. And he
7 raises the standard up, so when those agents come out and
8 there's a search warrant signed, you know that there's a high
9 standard there of reliability. And that's -- that high
10 standard applies to a determination of probable cause in this
11 case. It's the same deal. You have a standard to keep, and
12 it involves the determination.

13 Now, I'm telling you, this, in my opinion, it didn't
14 happen here in this case. I don't know who it was, a young
15 Millennium Internet-bound French agent. It's kind of junior
16 Inspector Clouseau who had prepared this submission packet,
17 and I don't think it meets that standard. I honestly don't.
18 If you go through and look at it, first off, you know, I think
19 the Government -- I know he's not going to say this; he pretty
20 well conceded it -- there's a bunch, I don't know how many
21 offenses, 20 offenses, that they asked for permission to
22 extradite. And most of them, they're just down to a couple,
23 really.

24 So I wanted to go through this, because the probable cause
25 determination is the key factor in this case. And I explain

1 it in my brief. And I'm sorry if I go through it a little
2 bit, because it is a complicated deal. It's not an easy thing
3 to go through. And I hope you bear with me. But I think it's
4 important to explain the lack of probable cause.

5 All right. So let's talk -- and I want to -- first off, I
6 do want to offer -- let me get up there -- B and C. I don't
7 think the Government has any objections to B and C. We need
8 to make sure they have a copy. And Javan?

9 MR. PORTER: May I approach, Your Honor?

10 THE COURT: You may.

11 MR. ROPER: We have flight records from Dubai to
12 Istanbul and other, Ankara. They're two of the cities. You
13 know, there's actually 11 airports that -- international
14 airports in Dubai to Istanbul, and I'll explain the relevance
15 of it. So we'd offer those. And I'd want to argue about
16 those.

17 THE COURT: Any objection, Mr. Weybrecht?

18 MR. WEYBRECHT: No, Your Honor.

19 THE COURT: Then Defendant's Exhibits B and C are
20 admitted.

21 (Defendant's Exhibits B and C are admitted.)

22 MR. ROPER: Okay. So let's go through. So what
23 happened is, best I can tell from looking at this incredibly
24 long submission, 135 pages, single-typed, is that there was a
25 spy, a Soviet -- I mean, I say so, but Russian spy -- that was

1 arrested in Nice. And this -- when running, looking through
2 their phone, they find this reference to this CEO-DARKBANK or,
3 you know, the username, and so they're off to the races,
4 trying to connect him to him.

5 There's really very little -- that's one of the reasons
6 I'm not going to contest it, contest it, there's rarely --
7 rarely any venue in France for this. Certainly, there's no
8 evidence that my client ever went to France in his life. And
9 so the -- they try to go through and figure out who this CEO
10 guy is that's doing this. And how they got to Mr. Ismail, who
11 is -- though he was born in Orange County -- I mean, born in
12 -- I mean, raised in Orange County, a U.S. citizen in a real
13 estate business in the United States and in Dubai, somehow
14 they figured out that he -- they think he's the guy.

15 Well, they look at -- the first factor they look at is the
16 flights. And in the submission, the French say that -- they
17 pull some texts out and they say that this CEO guy traveled --
18 one of -- he's responding to a text, and this guy says, you in
19 France -- you in Turkey? Babes, deal done from when you were
20 in -- gone to Turkey. Need the prior ones to your Turkey
21 trip.

22 Now, you don't know a lot from that, when it was. You can
23 suggest it was on that day, but you don't really know for
24 sure. That's the only evidence, really, to show that he went
25 to Turkey. We don't know where he came from. There's no

1 evidence of that.

2 Now, the French try to say, before this text, and this
3 would be on Page 65 of the submission, that -- they're saying
4 that CEO-DARKBANK flew from Dubai to Istanbul on February
5 14th, returning February 22nd. Now, I've looked at that
6 packet a thousand times, and my position is that there is no
7 evidence that this CEO guy flew on those flights. There's
8 nothing to say that. They're guessing.

9 What it does say is that sometime he flew -- obviously,
10 before the text was done on the 24th. But we don't know for
11 sure. Now, they're saying it is, but there's no evidence.
12 And I can understand why they're suggesting that, because the
13 dates don't actually -- don't actually meet up. What they do
14 do is they do it after the fact. They look and find out that
15 Mr. Ismail did fly from Dubai to Turkey on a particular day.
16 Okay. But there is -- but they're guessing if they match it.
17 So there's not a complete match. Obviously, Mr. Ismail did
18 fly from Dubai to Turkey on that day back in 2021. Okay.
19 That was what happened.

20 So they -- and they suggest it was Istanbul. It didn't
21 say that. And that just is another important feature of this,
22 is it only says Turkey. Well, there are 11 airports. I put
23 that Wiki page, the only thing I could do to find that.
24 There's 11 airports. And it's essentially like flying from
25 Texas down to Mexico. I mean, there's a bunch of airports.

1 And we looked at, in the submissions we submitted, we picked
2 two airports out of the eleven. Okay. Two airports. And
3 there's about fift... and anyhow, Dubai is kind of the
4 economic center of that area of the country, and you can
5 imagine there's a lot of flights. And I'll talk about Dubai a
6 little bit in this and the United Arab Emirates. And there's
7 52 flights that go through there. There's a lot of flights.
8 So -- I'm sorry.

9 (Off-the-record discussion.)

10 MR. ROPER: Yeah. That's only two airports. Okay.
11 So there's other airports we didn't look at. But my point is,
12 there's a lot of airports that go there.

13 And so to say that, from one flight, you can -- you can
14 make an inference that this guy was CEO-DARKBANK, certainly,
15 it's a possibility. I'm not saying that. But the question is
16 we're dealing with probabilities, not possibilities. And I
17 don't believe, from the information they submit as to the
18 conduct of CEO, that is not enough to establish that he's the
19 same person.

20 Now, they do point out, they pull records from a flight
21 where Mr. Ismail and his family traveled to -- from Dubai to
22 Mumbai, which you can tell from the deal, it says -- has the
23 code for Bombay. That's the old code. And so they pull that
24 and they say, hmm, look at that, he had a child born around
25 the same time of that flight.

1 Now, he says it was the same day. No, it was on the --
2 one day before. Okay. It wasn't the same day. Okay. So the
3 baby was born the 11th. 12. But, you know, people coming
4 from Dubai, that many flights, I don't think it's that unusual
5 for a guy to have a baby born during that time period. Now,
6 certainly, it's possible, and I'm not saying it's not
7 possible, but I don't think it's sufficiently probable to show
8 that.

9 So you've got the baby and the flight that doesn't really
10 match up. And I submit that's all they have. And I want to
11 go through what else they do just to try to establish it.

12 (Off-the-record discussion.)

13 MR. ROPER: He wants me to mention again that it was
14 the day -- date of birth is the day before. They don't match
15 up. It's not the exact day.

16 Okay. So let's go to this car. So they -- so they pull
17 off from a selected text. Of course, we don't have all the
18 texts. We don't know how many there are, what else do they
19 say. But the text, there is about four pictures. Three of
20 them are this CEO guy in his car taking screenshots in the
21 front of the car. And then there's one where he's checking
22 his phone, and you can see just a tiny bit of the interior of
23 the car. And so, from that, they conclude that CEO was
24 driving a Brabus, which a Brabus is -- I can tell you, I
25 definitely don't have a Brabus -- the Brabus, I've learned, is

1 like the Shelby Cobra aftermarket for some high-end cars. If
2 you go on their website, there's a bunch of Brabus upgrades
3 you can get where they aftermarketly kind of -- I'd actually
4 say pimp out a car. But that's what they do. Okay. So a
5 Brabus can be a Porsche, it can be a Mercedes, it can be some
6 other of these high-end cars that they put an aftermarket spin
7 on a car.

8 Just a second.

9 (Off-the-record discussion.)

10 MR. ROPER: So the Brabus, they say that CEO-DARKBANK
11 was definitely driving a Brabus. Now, they don't say it's a
12 G 63. Now, it's possible a Brabus can be converted -- can --
13 they can take a G 63 and upgrade it to a Brabus. But they
14 don't really say a Brabus -- a G 63.

15 Okay. Now, why is that important? So, the --

16 (Off-the-record discussion.)

17 MR. ROPER: In the submission, he -- the French
18 categorize it, after looking at those photographs, they say
19 this, Your Honor. They say, from CEO revealed -- the texts
20 there -- revealed that this user was using the same vehicle,
21 possibly a G 63 Brabus, given the vehicle's visible -- certain
22 of the characteristics. Okay.

23 Now, it's interesting. Why did they use the word
24 possible? That's not my word. That's their word. They say
25 possibly. And when you look at possibly, I take it to their

1 word what they mean, that it is possible that it was a Brabus.
2 How much probative value? Just take that one comment at face
3 value. How much probative value is a case like that? And I
4 agree. You can look at those pictures. It could be a Brabus.
5 But the question is, is it any more than that?

6 And then it's compounded by the fact that to show --
7 there's the screenshots from this guy. And then they go back
8 and try to prove it's Ismail. Okay. So how do they do that?
9 Do they get Motor Vehicle records normally like you do? It
10 would take those French five minutes to call the Dubai folks
11 and get the records. We got the records. Now, albeit it was,
12 you know, we just got them recently. We can't go back and --
13 we were not able to go back and find them in 2021. Now, maybe
14 the police do it, but we couldn't. But it didn't take much to
15 get the records. So do they do that? Nope. They don't do
16 that.

17 So they say they had, from an analysis of the messages,
18 and they go back even before that, all the way back to a prior
19 version of this encrypted messaging app, you know, they had
20 the Sky ECC encrypted messaging app, and then they go back to
21 a prior version of that. And they say it reveals that the
22 user of the vehicle that could -- again, not my words; their
23 words -- could correspond to a G 63 Mercedes. They don't say
24 Brabus. Now they're just saying G 63. Could correspond to a
25 G 63. I don't think could establishes probable cause. While

1 police cooperation revealed that Ismail was the owner of
2 several luxury vehicles, including a G 63. Now, they don't
3 say it was a Brabus aftermarket version. I think that's
4 incredible. But police cooperation.

5 Now, the prosecutor tried to put a spin on it. Police
6 cooperation. That's good enough. I submit it's not. We
7 don't know what -- what does police cooperation mean? I don't
8 think you've ever seen a search warrant -- I venture you
9 haven't -- where a federal agent gets to go -- swears to
10 something where he says, oh, police cooperation showed that
11 this guy had 10 kilograms of cocaine in his house. No federal
12 agent is going to do that. And I'm sure Mr. Weybrecht, the
13 quality of the prosecutor he is, he wouldn't submit anything
14 like that to you.

15 Police cooperation doesn't really tell you anything. Is
16 it another law enforcement agency cooperating? We don't know
17 that. Is it an informant? Okay. Say it's an informant. How
18 do we know, is that informant reliable? Has he seen that
19 information before? Has he -- what's his past track record?
20 Has he given information before?

21 So you're left to guess as to -- and maybe that's good
22 enough to go for French. I don't think so, but my point is
23 it's not probable that he even owns a Brabus. I haven't seen
24 any evidence of it. They don't even say that. And, you know,
25 even if he were to own the G 63, that doesn't mean it's the

1 upgraded version.

2 So I submit to you that the evidence of the -- this Brabus
3 that Ismail and CEO own, you know, is like a direct match,
4 it's not even there. It's a possibility, but we deal with
5 probabilities. Okay.

6 And, again, I got the records pretty quickly. It doesn't
7 show he owns a G 63. And if it's that easy, then does that
8 really set the standard?

9 Now, let's go through this allegation -- and I don't know
10 if you see, Your Honor, the -- Mr. Ismail's wife is here.
11 Please stand up for me. And then his brother and his mother
12 and his grandmother are here in court. Okay. But they talk
13 about a Russian girlfriend or something, and so let's talk
14 about the evidence about that.

15 They say -- and here we go -- you would think, well, you
16 know, they have an informant again and they hung out with this
17 guy, he's talking about a Russian girlfriend, Ismail is, and
18 they've got photos or something. No. They have this one
19 statement: Intelligence gathered through police cooperation
20 revealed that Ismail, Huzefa, had two girlfriends, one of
21 Indian nationality, with whom he would have one of -- with
22 whom he would have one of Russian nationality. You know, the
23 translation may be a little stupid, but, you know, look, it's
24 the French's translation, not ours. And I think the
25 Government is bound by that translation. Police coop... there

1 we go, the same word, police cooperation. Okay. Now, who is,
2 again, who -- is it the police? Who are the police that
3 cooperated? How do they know this? What's the basis of their
4 information? Is it another informant? Okay. Well, is that
5 informant reliable? Have they provided information in the
6 past?

7 There's just no ability, Your Honor, for you to get and
8 try and make a probable cause determination to be able to draw
9 any inferences from that. It's just too vague.

10 So I don't think the Russian -- you know, the idea is,
11 man, we got a match. We got CEO here and right next to him is
12 that Russian girlfriend he has. He's good to go. It doesn't
13 say that.

14 Now, they do -- then they -- then they go in, and the
15 prosecutor didn't mention this, but they try to connect him,
16 because there's these 12 nicknames that are attributed to him.
17 Some of them have nothing to do with Ismail. One of them is,
18 like, Mexicans. Like, the guy's not from Mexico. There's no
19 evidence he had anything to do with Mexico. I think that's
20 key.

21 But then they focus in on one that says he has a watch
22 company. And then they include the URL for this -- which is a
23 legitimate website that Mr. Ismail and his brothers have for
24 their real estate business. And you go back and look at,
25 there's not one -- it talks about real estate. It doesn't

1 talk about watches. And they try to establish that.

2 And look, let's just be frank. I know why they're doing
3 it. They know they don't really have any evidence, so they're
4 trying to set up a bunch of disparate facts to try to show a
5 connection. Nothing I've seen that any -- besides this vague
6 police cooperation has anything to do with Ismail.

7 Now, then they go, oh, man, we've got him here. One of
8 the nick -- one of the 12 nicknames is CEO Huzaif. H-U-Z-A-I-
9 F. Okay. So I looked that word up. That is a bona fide
10 word. Never heard it before. And -- but it's not the same as
11 Huzefa. That's a completely separate word. So that's no
12 connection. It's like, in English, talking about Fred is the
13 same as Frank.

14 MR. WEYBRECHT: Your Honor, I think I have to object
15 at this point. I mean, this is far outside the scope of this
16 hearing. And there is no linguist here that can be
17 translating. Mr. Roper is not an Arabic linguist. He's not
18 qualified to say this. We're getting into details of evidence
19 that is appropriate at a trial, not at an extradition hearing.

20 MR. ROPER: I disagree, Your Honor.

21 THE COURT: I'm going to overrule the objection.
22 I'll --

23 MR. ROPER: The -- I mean, there's a long -- and,
24 look, the prosecutor says, even in his brief, he says, well,
25 apparently -- and he used the word apparently -- they're the

1 same. They're not the same. I don't know how they get it.
2 It's kind of -- it's like Fred and Frank. It's (inaudible).
3 There's no evidence to support it. And, of course, they have
4 the burden, the French do. It's a completely separate name.

5 Then they say, well, his nickname is AMRK. Means
6 American. Okay. I guess that's possible. They don't have
7 anything in the affidavit saying that's Internet slang for
8 American. I looked it up. I didn't find anything. Of
9 course, that doesn't mean anything. Maybe I'm wrong. But
10 they don't prove anything to say he's an American.

11 And so, again, maybe it's possible. But, again, that one
12 goes to the -- by the wayside, too. I don't think that shows
13 anything.

14 Then they have some other ones, nicknames. CEO
15 PrivateBank. No connection there. H2O. Have no idea. HAJL.
16 I have no idea what that means. No connection there. Kucho
17 ind. And I didn't even know what kucho is. Apparently, it's
18 an Indian food, okay. So there you go. Did he have a
19 restaurant or something? Shoku Luis Transf. TimeZone. Token
20 CEO VIP. Zuckerberg. I don't know how -- what connection
21 there is. But of all those -- if all those nicknames are
22 supposed to go back to this CEO guy and it has -- it doesn't
23 have a thing to do with Mr. Ismail. Okay?

24 Now, they do mention that there's a Dubai deal and
25 MoneyMan. That could be him. But you've got to remember:

1 Just in Dubai alone, there are over three million people who
2 live there. And most of the population there, about 88
3 percent of them, are foreigners. Now, if you look at the full
4 country of UAE, there's 10 million people there. So I don't
5 know what connection that has.

6 And so, really, what we're left with is just this flight
7 information to try to establish that it's Ismail. And by the
8 way, when they talk about -- I want to make sure the Court
9 understands. They garnered from flight records not -- the
10 kids -- Ismail's -- wasn't flying with his children to Dubai
11 or Istanbul. They garner that, the date of birth for the
12 child, from a flight for Mr. Ismail and his family, travel
13 from Dubai to see their, you know, relatives that live in
14 India. They traveled from Dubai to India, and that was the
15 trip. It has no connection.

16 So, look, what we're left with is you have, you know, the
17 -- what the prosecutor wants to do is dumb down this probable
18 cause standard to essentially nothing and doesn't allow us to
19 present any evidence to support the fact there's not probable
20 cause. I think it's 180 degrees different from any kind of
21 warrant that would have been presented by an FBI agent or Mr.
22 Weybrecht, who's a very talented prosecutor, to present, and
23 it's something you would never see. And when they say police
24 cooperation, where they speculate about whether he's got a
25 Brabus, it just isn't there.

1 And I ask you, Your Honor, to -- you know, there's a
2 reliability and credibility determination you're called on to
3 make. And, look, the statute is -- this isn't the first time
4 I've raised this with the prosecutor -- the French have an
5 ability. They can go back and redo a packet and arrest him
6 next week if they want to, if they thought about it. And if
7 he's the big -- big dog that they say he is, it should be
8 easier for them to do than one stupid flight four years ago in
9 a -- over a five-year investigation. If he's the big dog that
10 they think he is, they should be able to come up with some
11 evidence. But I think here in the United States, we have high
12 standards. And I ask you respectfully to maintain, maintain
13 that standard.

14 THE COURT: Thank you, Mr. Roper.

15 Reply, Mr. Weybrecht?

16 MR. WEYBRECHT: Yes, Your Honor. First, I would
17 point out probable cause is not a high standard. It's
18 actually quite a low standard, as the Court knows, and this
19 evidence more than meets that threshold of probable cause.

20 I would like to point out a few things, specifics. So,
21 defense counsel -- or, excuse me, Fugitive's attorney talked
22 about the birth date and said, actually, it was the day
23 before. That's not correct. If you look at the actual text,
24 January 11th, 2021, 3DOR3D: No, bro, I'm in the hospital with
25 my missus. Busy today. And then the following day he says:

1 Sorry. Been busy with doctor. Just had a little new one.

2 The idea that that's conclusively saying that he was born
3 -- the child was born on January 12th instead of January 11th,
4 the context there is more than sufficient. I can tell you
5 from personal experience I was in the hospital the next day
6 after my wife had a baby. We were still there. And I said,
7 My wife just had a baby. The idea that that somehow is like
8 some gotcha moment, that, oh, it was actually the day before,
9 I think is a little bit preposterous.

10 You know, going to the car registration, first of all,
11 again, a brick is not a wall. The fact that there's a -- what
12 is in pictures of 3DOR3D the same type of car as what the
13 cooperator said that Ismail has, the idea that the Government
14 of France has to provide car registrations and proof and it --
15 there are many reasons. Number one, Mr. Roper didn't have car
16 registrations going back to 2021. So it very well could be
17 that he was -- had that car registered. It could be he didn't
18 have the car registered. It could be the car was registered
19 in a different name. It could be all of these things. But
20 that's not the standard. We're not at trial here. We're not
21 proving beyond a reasonable doubt. We're saying there are
22 similarities here. There's 3DOR3D and Mr. Ismail. This car
23 looks like it's the same. Let's look at the other evidence.
24 And then you start stacking the bricks, and the bricks build
25 into a wall that goes over probable cause.

1 It's the same thing. And, again, I know Mr. Roper may not
2 like it, but the law is clear that credibility determinations
3 are not to be made at this proceeding. I'll just cite two
4 cases. You know, sometimes in the Fifth Circuit we say "even
5 the Ninth Circuit." *Santos v. Thomas* -- and this was cited in
6 our brief -- 830 F.3d 987. And then I'll cite another one.
7 *Eain v. Wilkes*, and this is a Seventh Circuit case, 641 F.2d
8 504. There's other cases as well. This is a common issue
9 that comes up in extradition proceedings, and courts
10 consistently hold that credibility determinations are not to
11 be made. The Court is to take what is being presented as
12 true, and the Defendant is not allowed to offer evidence to
13 contradict that. And that's, again, because we're not here at
14 trial. We're not weighing credibility of witnesses. And so
15 Mr. Roper may not like it, but that's the law.

16 The websites. The nicknames. He went to a website in
17 2025 and says now that website doesn't have any watches on it.
18 That's -- that doesn't mean anything. In 2020, when the
19 website -- 2021, when the website was recited and reviewed by
20 the French, they said that that website has watches on it.
21 Again, that statement, that that website was a watch website,
22 is entitled to deference by this Court. The fact that it now
23 doesn't have watches on it four or five years later has no
24 probative value whatsoever as to the French's statement.

25 The flights. Okay. Mr. Roper reads the statement too

1 narrowly. And I'm looking at the page at the bottom with X
2 Ismail with number ending in 65. If you look at the middle,
3 right before those text messages, the investigators first
4 established from CEO-DARKBANK exchanges via his Sky PIN, and
5 then it lists several of them, including Roarke 91 (phonetic),
6 3TFF17, and then it says, with other correspondence, PINS,
7 BA69AQ, 8A0ARG, and 3C3VNC, that he had spent time in Turkey
8 and had flown from Dubai to Istanbul on these particular
9 dates.

10 They then list an exemplary text string, which you'll note
11 does not include Roarke 91, does not include 3TFF17, does not
12 include PINS, does not include 8A0ARG, does not include
13 3C3VNC. And so while Mr. Roper reads those text messages as
14 exhaustive, that's not the case. The French government is
15 saying in this that they have reviewed text messages, other
16 strings. That they are including one of those strings, which
17 includes only 3DOR3D, BA69AQ, and 8A0ARG, not any of the other
18 ones. So this is just an example.

19 And, again, the French's statement about reviewing these
20 other texts is to be taken as credible by this Court. The
21 fact that they don't include all of their evidence, all of the
22 specific chats, is not a question -- or, is not something that
23 raises into doubt the specific evidence that's offered here.

24 And then, lastly, regarding the flight and the birth date
25 and probabilities, again, we're talking probable cause here.

1 Again, it could have been that 3DOR3D and Mr. Ismail were on
2 the same flight, roundtrip, on February 14th and February
3 22nd. They just happened to be on the same flight. But,
4 again, combined with all the other evidence, the odds of that
5 are exceptionally unlikely. The odds are far beyond probable
6 cause that 3DOR3D and Ismail are the same person.

7 And so for these reasons, Your Honor, again, the evidence
8 more than meets probable cause, and the Court should certify.

9 THE COURT: Thank you, Mr. Weybrecht.

10 The Court turns to the requirements that must exist here
11 for it to consider the Government of France's request for
12 extradition.

13 First, can the Court conduct the extradition proceeding?
14 It can. I think the law is clear under 18 U.S.C. Section 3184
15 that a magistrate judge can conduct an extradition proceeding.
16 That's also permitted under the Local Rules of our Court.

17 The Court has jurisdiction. I don't think there's any
18 dispute that Mr. Ismail was found at the DFW Airport, which is
19 located within this district.

20 There was an extradition treaty in full force and effect,
21 and there currently is, between the Government of France and
22 the Government of the United States, as reflected by the
23 extradition packet and also by the text of the treaty itself
24 and the amendments to that.

25 Mr. Weybrecht, do you offer those exhibits into evidence?

1 MR. WEYBRECHT: Yes, Your Honor. The Government
2 would offer Exhibits Docket No. 27-1 and Docket No. 33-1.

3 THE COURT: Any objections?

4 MR. ROPER: Just the objection we raised as to the --
5 whether they're reliable enough to be considered. But other
6 than that, we don't have any.

7 THE COURT: All right. I'll overrule the objections
8 and the evidence of the text of the treaty between France and
9 the United States, ECF Nos. 27-1 and 33-1, are admitted. For
10 purposes of the record, ECF 27-1 will be Government Exhibit 2
11 and 33-1 will be Government Exhibit 3. Well, actually, let's
12 say, 27-1 is the whole packet, so it'll be GX-1. 33-1 will be
13 GX-2. And the text of the treaty on extradition between
14 France and the United States is contained within the
15 extradition packet that's Document ECF No. 27-1.

16 (Government's Exhibits 1 and 2 are admitted.)

17 THE COURT: The offenses for which the Government is
18 moving for extradition on behalf of the Government of France
19 -- money laundering, serious money laundering, and conspiracy
20 -- are covered by the treaty. There certainly are analog
21 offenses within the United States Code. 18 U.S.C. Sections
22 1956, 1957, and 371 are all equivalent.

23 The offenses proffered by the Government of France are
24 brought within the applicable statute of limitations in
25 France.

1 And then that falls to the question of probable cause. I
2 do find probable cause here.

3 I certainly agree with Mr. Roper that the individual
4 pieces of evidence offered in the extradition packet could be
5 worded better, stronger. The Court is left with the
6 impression that the question of what goes to trial in France
7 is somewhat different from what goes to trial in the United
8 States. Discussions of possibilities, not probabilities. I
9 can certainly see that argument.

10 However, the issue on probable cause here has to take into
11 account each of these individual pieces of evidence. The
12 plane trips. The new baby. The Brabus. The Russian
13 girlfriend. And nicknames. I think individually they're not
14 very impressive to the Court in terms of probable cause, but
15 the point here is what does the totality of the evidence
16 indicate, and I just can't say that there's nothing there that
17 the Government of France could prosecute Mr. Ismail on.

18 Now, can they succeed? I don't know. I've never had any
19 involvement with a French prosecution, or a French civil case,
20 for that matter. I don't know. But the issue here is
21 probable cause to hold over for trial, and I think, given the
22 case law and the limitations on the evidence that can be
23 argued and offered and disposed of in front of a U.S. judge on
24 an extradition application is such that it's just a matter of
25 whether I certify to the Secretary of State in terms of

1 whether there is probable cause, and I'm going to certify to
2 him that there is.

3 I'll therefore order that Mr. Ismail be retained in a
4 proper jail pending action by the Secretary of State on the
5 French application for extradition of Mr. Ismail in this
6 matter.

7 Now, is there anything else that we need to take up here?
8 Is there any other evidence that either side wants to put in
9 the record?

10 MR. WEYBRECHT: Not from the Government, Your Honor.

11 MR. ROPER: I just, look, I think, as you -- I've
12 argued, I think he's wrong about this credibility
13 determination issue. And it goes to the whole standard of
14 whether it's conclusory, too. There's so many conclusory
15 statements. And I cite a string of cases that say that. So I
16 just take issue with that. I think you can determine
17 credibility as it relates to probable cause. So, that's my
18 only position. I don't have any other evidence at all.

19 THE COURT: Okay. And I understand that, Mr. Roper,
20 and I appreciate your argument. I just think the law goes the
21 other way. I think you can -- you can challenge whether
22 there's probable cause here, and I think you've done that
23 ably. But I just think that the standard here to be met is
24 met, and that will be the Court's ruling.

25 So, anything else, then?

1 MR. WEYBRECHT: No, Your Honor.

2 MR. ROPER: No, Your Honor.

3 THE COURT: All right. Very well. Mr. Ismail, I
4 remand you back to the custody of the United States Marshal
5 pending direction from the Secretary of State.

6 (Proceedings concluded at 10:05 a.m.)

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CERTIFICATE

20 I certify that the foregoing is a correct transcript from
21 the electronic sound recording of the proceedings in the
above-entitled matter.

22 **/s/ Kathy Rehling**

04/03/2025

23

24

Kathy Rehling, CETD-444
Certified Electronic Court Transcriber

Date

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